

IN THE CLAIMS

Listing of Claims:

Claim 1 (currently amended): A method on a client server network for the ordering, downloading, and installation of software, the method at the client system comprising the steps of:

- presenting to a user a list of software for installation on a client system;
- receiving a user selection for ordering at least one software file from the list of software on a software ordering server;
- receiving a response to the order for at least one software file from the software ordering server, the response includes an entitlement ID for authorizing the installation of the software file, wherein the entitlement ID is sent from the software ordering server to the software delivery server;
- requesting a download copy of the at least one software file from the software delivery server, the request includes the entitlement ID previously received from the software ordering server;
- receiving, in response to the entitlement ID received from the software ordering server matching the entitlement ID received with a request for the download copy, the copy of the at least one software file from a staging scheduling server as part of a payload containing at least one customized installation script; and
- installing the received copy of the at least one software file.

Claim 2 (previously presented): The method according to claim 1, wherein the step of receiving a response to the request for a copy of at least one software file, further comprising the sub-steps:

- receiving a request for acceptance of a software license agreement for the copy of the at least one software file from the software delivery server; and
- sending the acceptance of the software license agreement to the software delivery server for the requested copy of the at least one software file.

Claim 3 (currently amended): The method according to claim 1, wherein the step of receiving a response to the request for a copy of the at least one software file, further comprising the sub-steps of:

- sending a system platform type for the client system;
- sending an amount of available storage for the client system; and[[.]]
- sending at least one identifier of other software installed on the client system.

Claim 4 (previously presented): The method according to claim 1, wherein the ordering of at least one software file from the software ordering server is accomplished only when the software file is needed for use.

Claim 5 (previously presented): The method according to claim 1, wherein the step of installing the received copy of the at least one software file requires no further intervention from the software ordering server.

Claim 6 (previously presented): The method according to claim 1, wherein the step of installing the received copy of the at least one software file requires no client user intervention by a user on the client system.

Claim 7 (previously presented): The method according to claim 1, wherein the step of installing the at least one received copy of the software file does not allow any choices or options by a user on the client system.

Claim 8 (original): The method according to claim 1, wherein the completed step of installing the at least one received software file obviates the need for help to install, or questions about the installation of the at least one software file from a help desk.

Claim 9 (currently amended): A method on a client server network for the selection, download and installation of software, the method at the software delivery server comprising the steps of:

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receiving from a software ordering server, an entitlement ID for authorizing the installation of at least one software file which has been previously ordered on a client system;

receiving a request from the client system for the download of a copy of the at least one software file to the client system, wherein the request includes an entitlement ID used to order the software file;

verifying both the client system's PC compatibility for the requested copy of at least one software file and that the entitlement ID received from the ordering server matches the entitlement ID used to order the at least one software file; and

scheduling the download of the requested software from a staging server to the client system.

Claim 10 (original): The method according to claim 9, the step of verifying, further comprising the sub-steps of:

requesting the client system's PC platform type;

requesting the client system's PC platform's available storage;

requesting the client system's platform's installed software; and

verifying that one or more responses to the requests above are within allowable limits.

Claim 11 (currently amended): A method on a client server network for the ordering, deployment and installation of software, the method at the software delivery server comprising the steps of:

receiving an order entitlement ID for at least one software file, which has been previously ordered from a client system on a software ordering server;

storing the entitlement ID for at least one software file in a database;

receiving a request for the download of at least one requested software file with a download entitlement ID from a client system;

determining if the download entitlement ID matches the order entitlement ID previously stored in the database, and in response to the order entitlement ID matching the download entitlement ID; and scheduling a response to the

request for a copy of the at least one software file at a scheduling server.

Claim 12 (currently amended): A computer readable medium containing programming instructions for the ordering, downloading, and installation of software over a client server network, the programming instructions executing at the client system comprising:

- presenting to a user a list of software for installation on a client system;

- receiving a user selection for ordering at least one software file from the list of software on a software ordering server;

- receiving a response to the order for at least one software file from the software ordering server, the response includes an entitlement ID for authorizing the installation of the software file, wherein the entitlement ID is sent from the software ordering server to the software delivery server;

- requesting a download copy of the at least one software file from the software delivery server, the request includes the entitlement ID previously received from the software ordering server;

- receiving, in response to the entitlement ID received from the software ordering server matching the entitlement ID received with a request for the download copy, the copy of the at least one software file from a staging scheduling server as part of a payload containing at least one customized installation script; and

- installing the received copy of the at least one software file.

Claim 13 (previously presented): The computer readable medium according to claim 12, wherein the programming instruction of receiving a response to the request for a copy of at least one software file, further comprising the programming instructions of:

- receiving a request for acceptance of a software license agreement for the copy of the at least one software file from the software delivery server; and

- sending the acceptance of the software license agreement to the software delivery server for the requested copy of the at least one software file.

Claim 14 (original): The computer readable medium according to claim 12, wherein the programming instruction of receiving a response to the request for a copy of the at least one software file, further comprises the sub-steps of:

- sending a system platform type for the client system;
- sending an amount of available storage for the client system; and
- sending at least one identifier of other software installed on the client

system.

Claim 15 (previously presented): A computer readable medium containing programming instructions for the ordering, deployment and installation of software over a client server network, the programming instructions executing at the software delivery server comprising:

- receiving an entitlement ID for at least one software file, which has been previously ordered from a client system on a software ordering server;
- storing the entitlement ID for at least one software file in a database;
- receiving a request for the down-load of at least one requested software file with a download entitlement ID from a client system; and
- determining if the download entitlement ID matches the order entitlement ID previously stored in the database, and in response to the order entitlement ID matching the download entitlement ID, scheduling a response to the request for a copy of the at least one software file at a scheduling server.

Claim 16 (cancelled)

Claim 17 (currently amended): A software delivery server coupled to a client server network, the delivery server comprising:

- a network interface for coupling at least one client system;
- an order entitlement ID received over the network interface for at least one software file, which has been previously ordered by ~~from~~ the at least one client system on a software ordering server;
- a database used to store the entitlement ID for at least one software file;
- a download request received over the network interface from at least one

of the one or more client systems for a copy of the at least one software file, wherein the request includes an order entitlement ID for at least one software file;

~~a database used to store the entitlement ID for at least one software;~~

~~receiving a request for the download of at least one requested software file with a download entitlement ID from a client system; and~~

means for determining if the download entitlement ID received from the client system matches the order entitlement ID previously stored in the database, and in response to the order entitlement ID received from the client system matching the download previously stored entitlement ID, scheduling a response to the request for a copy of the at least one software file at a scheduling server.

FINAL OFFICE ACTION IS INAPPROPRIATE IN VIEW OF NEWLY CITED ART
PAYNE AND FAWCETT

Applicants have studied the Office Action dated February 10, 2005. Applicants respectfully request entry of these remarks under the provisions of 37 C.F.R. § 1.116(a) in that the remarks below place the application and claims in condition for allowance, which allowance is respectfully requested. Claims 1 – 15 and 17 are pending. Reconsideration and allowance of the claims in view of the following remarks are respectfully requested.

As an initial matter, the Examiner made the Office Action final based on a new ground of rejection not stated in the earlier Office Action. Applicants respectfully traverse this decision. In the Final Office Action, the Examiner rejects the present claims by citing rejected claims 1, 3-12, 14, 15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Payne et al. (U.S. Patent No. 5,715,314) in view of Fawcett (U.S. Patent No. 5,845,077), and rejected claims 2 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Payne et al. (U.S. Patent No. 5,715,314) in view of Fawcett (U.S. Patent No. 5,845,077) and further in view of Klemba et al. (U.S. Patent Pub. No. 2002/0128975 A1). The Applicants respectfully point out that all the references Payne, Facett and Klemba reference were not cited in any previous Office Action.

According to MPEP § 706.07(a): "Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection not necessitated by amendment of the application by applicant, whether or not the prior art is already of record." In the previous Office Action dated July 14, 2004, the Examiner rejected claims 1, 3-12, and 14-17 under 35 U.S.C. §102(e) as being anticipated by Kelley et al. (U.S. Publication 2002/0174422); and rejected claims 2 and 13 under 35 U.S.C. §103(a) as being unpatentable over Kelley et al (U.S. Publication 2002/0174422) in view of Smith et al. (U.S. 6,067,582). In the previously-filed Amendment, Applicants submitted an affidavit under 37 CFR 1.131 to remove Kelley and amended claims to correct various informalities and to better clarify the present invention. The Applicants did not switch from one subject matter to another or resort to

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any subterfuge to keep the application pending.¹ Thus it is respectfully submitted that the final status of the Office Action is premature and should be withdrawn.

If the Examiner does not withdraw the final status of the Office Action, Applicants submit that this response does not raise new issues in the application. It is submitted that the present response places the application in condition for allowance or, at least, presents the application in better form for appeal. Entry of the present response is therefore respectfully requested.

¹ See MPEP § 706.07.